

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PAUL CAREY,

Plaintiff,

v.

NATION POINT LOAN SERVICES, *et. al.*,

Defendants.

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Case No. 09-13003

Honorable John Corbett O'Meara

**ORDER GRANTING DEFENDANT'S RENEWED MOTION TO DISMISS**

This matter came before the court on defendant Trott & Trott, P. C.'s November 22, 2010 motion to dismiss and its January 3, 2011 renewed motion to dismiss. Plaintiff Paul Carey has failed to file a response to either motion, and no oral argument was heard.

In its initial motion to dismiss, Defendant argued that plaintiff Carey's September 14, 2009 Amended Complaint had no bearing on his own foreclosure, as it referenced real property in Las Vegas, Nevada, not Plaintiff's own property. On December 1, 2010, this court ordered plaintiff Carey to file a response to Defendant's initial motion to dismiss on or before December 17, 2010. Plaintiff failed to respond to the order and has taken no substantive action in this case. Moreover, Plaintiff failed to appear for a September 23, 2010 scheduling conference as ordered by the court.

Pursuant to Rules 16(f)(1)(A) and 34(b)(2) of the Federal Rules of Civil Procedure, the court may dismiss an action as a sanction for a party's failure to appear at a scheduling or other pretrial conference. Plaintiff Carey has failed to prosecute his case for over a year, failed to appear for the scheduling conference as ordered by the court, and failed to file responses when ordered to do so. Therefore, the court will grant defendant Trott & Trott's renewed motion to dismiss.

**ORDER**

It is hereby **ORDERED** that Trott & Trott's January 2, 2001 renewed motion to dismiss is **GRANTED**.

s/John Corbett O'Meara  
United States District Judge

Date: January 13, 2011

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 13, 2011, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager